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EXAMINER
TODD, GREGORY G

ART UNIT	PAPER NUMBER
2157	7

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/372,898	JOHNSON ET AL.	
	Examiner	Art Unit	
	Gregory G Todd	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 February 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27 and 33-90* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27 and 33-90* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This is a second office action in response to applicant's election filed, 03 February 2003, of application filed, with the above serial number, on 12 August 1999 in which claims 1-27 and 33-90 have been elected from group I. Claims 1-27 and 33-90 are therefore pending in the application.

Election/Restrictions

2. Applicant's election without traverse of Group I in Paper No. 6 is acknowledged.

Drawings

3. The drawings are objected to because In Figure 6, "Downlaod" is suggested to be replaced with --Download--. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the a) raw data conversion; b) parsing for search terms; c) schedule must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet **within the range of 50 to 150 words**. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

7. The disclosure is objected to because of the following informalities:

The specification must list all related applications along with a corresponding serial and/or patent number:

(b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.

Appropriate correction is required.

8. The disclosure is objected to because of the following informalities: The claims preferably have line numbers for clarity purposes.

Appropriate correction is required.

Claim Objections

9. Claim 16 is objected to because of the following informalities: In line 4, "coupleable" is not a standard word. Appropriate correction is required.

10. Claim 58 is objected to because of the following informalities: In line 4, "selecting and advertising" is suggested to be replaced with --selecting the advertising--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Regarding claims 1 and 74, the phrase "among other things" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "among other things"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

13. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "specific content" is vague and indefinite.

14. Claims 37, 41 recite the limitation "the raw data format" in line 3. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 44 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. The preamble suggests one step where there are two steps which do not relate, ie. delivering/obtaining.

16. Claim 61 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The user points are being redeemed in two methods that don't appear to connect, i.e. cash and discounts.

17. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear where the content package is being delivered.

18. Claim 77 recites the limitation "the currently active portion" in line 10. There is insufficient antecedent basis for this limitation in the claim.

19. Claim 86 recites the limitation "the memory device" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

20. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

21. Claims 33-34, 43-45, 47, 50-58, 62-68, 74-78, 80, 82, and 85-88 are rejected under 35 U.S.C. 102(b) as being anticipated by Logan et al (hereinafter "Logan", 5,732,216).

22. As per Claim 33, Logan discloses a method for providing directed information, including advertising and non-advertising content, to a playback device based on a closed loop operation, wherein Logan discloses:

receiving user information (subscriber preferences / demographics) (at least col. 5, lines 33-45);

obtaining directed information from one or more information sources based at least in part on the user information (at least col. 7, lines 16-25);

formatting the directed information into a content package, the content package including one or more content segments (ordering segment sequencing) (at least col. 7, lines 35-40; col. 7, line 50 - col. 8 line 8);

assigning a unique identifier to each content segment within the content package (ProgramID) (at least Fig. 5; col. 7, lines 30-34);

delivering the content package along with the unique identifier for each content segment of the content package to the playback device (downloading files) (at least col. 7, lines 20-30); and

receiving response information from the playback device, the response information including the unique identifier of the content segment associated with the response (program segments desired by subscriber upload) (at least col. 6, lines 9-26).

23. As per Claim 34.

wherein the step of obtaining directed information from one or more information sources comprises the steps of parsing the user information to obtain a schedule; and accessing an information source to obtain information in accordance with the schedule (adding advertisements...produce schedule table) (at least col. 17, lines 23-41).

24. As per Claim 43.

wherein the step of obtaining directed information from one or more information sources comprises the step of obtaining information based at least in part on the response information (download newly updates user selections) (at least col. 6, lines 19-25).

25. As per Claim 44.

wherein the step of delivering the content package obtaining directed information from one or more information sources comprises the steps of parsing the user information to obtain a delivery schedule; and delivering the content package in accordance with the delivery schedule (next programming download) (at least col. 8, lines 28-48).

26. As per Claim 45, Logan discloses a mobile application server comprising:

a website accessible to a user for inputting user information comprising a user name, profile information, preference information, and scheduling information (HTML forms for account initialization) (at least col. 9, lines 5-41);

a user database for storing the user information (at least col. 5, lines 32-45); and

a server application for retrieving the preference information (subscriber preferences / demographics) (at least col. 5, lines 33-45), retrieving web content from a

content source (at least col. 7, lines 16-25), creating information content segments for the user based at least in part on the preference information and the web content (compiling files) (at least col. 7, lines 15-20), creating a content package (selections file along with segments) (at least col. 11, lines 21-25), and delivering the content package to a playback device (downloading files) (at least col. 7, lines 20-30), said server application further functional to receive response information from the playback device and initiate actions based on the response information (program segments desired by subscriber upload) (at least col. 6, lines 9-26).

27. As per Claim 47.

wherein the mobile application server further comprises an advertising database for storing advertisement content segments that include audio advertisements (at least Fig. 4; col. 24, lines 37-50; col. 4 line 66 - col. 5 line 5).

28. As per Claim 50.

wherein the server application assigns a unique identifier to each information content segment and maintains a database of unique identifiers and associated information content segment (ProgramID) (at least Fig. 5; col. 7, lines 30-34).

29. As per Claim 51.

wherein the server application assigns a unique identifier to each advertisement content segment and stores that unique identifier in the advertisement database associated with the advertisement content segments (ProgramID) (at least Fig. 4, 5; col. 7, lines 30-34).

30. As per Claim 52.

wherein profile information comprises the company, email address, shipping address, delivery address, and credit card information of a user (at least col. 9, lines 28-41; col. 21, lines 6-30).

31. As per Claim 53.

wherein preference information includes desired content and content categories (categories of interest) (at least col. 9, lines 28-41).

32. As per Claim 54.

wherein the server application retrieves web content, creates information content segments and creates content packages based on the scheduling information of a user (adding advertisements...produce schedule table) (at least col. 17, lines 23-41).

33. As per Claim 55.

wherein the web content comprises textual, audio and video data (at least col. 4 line 59 - col. 5 line 5).

34. As per Claim 56, Logan discloses a method of delivering content and receiving responses to the content, wherein the content includes web based information, wherein Logan discloses:

aggregating a content package, the content package including at least one content segment (selections file along with segments) (at least col. 11, lines 21-25);

delivering the content package to a playback device (downloading files) (at least col. 7, lines 20-30);

receiving a response from the playback device, the response being associated with a particular content segment (program segments desired by subscriber upload) (at least col. 6, lines 9-26); and

initiating actions based on the responses (processing for download compilation) (at least col. 6, lines 9-26).

35. As per Claim 57.

wherein the step of aggregating a content package further comprises the step of inserting at least one advertising content segment into the content package (at least col. 7, lines 16-20).

36. As per Claim 58.

wherein the step of inserting an advertising content segment further comprises the steps of examining a user's profile information; and selecting the advertising content segment based at least in part on the user's profile information (subscriber preferences / demographics) (at least col. 5, lines 33-45).

37. As per Claim 62.

wherein the step of aggregating a content package further comprises the steps of: examining a user's preference information; and gathering web based information as content segments based, at least in part, on the user's preference information (at least col. 5, lines 33-35; col. 7, lines 16-20).

38. As per Claim 63.

wherein the step of delivering the content package to a playback device further comprises the step of examining a user's schedule information and delivering the

content package to the user based, at least in part, on that schedule information (downloading at time established by user/player) (at least col. 7, lines 20-35).

39. As per Claim 64.

wherein the step of delivering the content package to a playback device further comprises the step of receiving a content package delivery request from the playback device and downloading the content package in response to said request (next download's programming) (at least col. 8, lines 28-40).

40. As per Claim 65, Logan discloses a method of generating personalized content packages for delivery to and playback on a playback device, the content packages including advertising content segments and non-advertising content segments, wherein Logan discloses

receiving user profile information for a particular user (subscriber preferences / demographics) (at least col. 5, lines 33-45);

storing the user profile information (user data and usage log) (at least Fig. 1);

receiving advertisement content segments from at least one advertiser (data source), the advertising content segment including target profile information (at least col. 35, lines 58-67; col. 36, lines 13-19; Fig. 4);

storing the advertisement content segments along with the target profile information (at least Fig. 4; col. 24, lines 37-50);

selecting the advertisement content segments for a particular user based, at least in part, by comparing the target profile information and the user profile information (matching step) (at least Fig. 4; col. 17, lines 23-41); and

inserting the selected advertisement content segments into a content package to be downloaded to the playback device (selections file along with (advertising) segments) (at least col. 11, lines 21-25; col. 7, lines 16-20).

41. As per Claim 66.

wherein the user profile information includes user preference information, further comprising the step of inserting non-advertisement content segments based on the user's preference information (Classtype variable - program, comment, etc, tailored to preferences) (at least col. 17, lines 43-54, 23-30).

42. As per Claim 67.

wherein the user preference information includes at least one category selection, and the step of inserting non-advertisement content segments further comprises inserting non-advertisement segments based on the category selections (subject matter...exclusion of advertising) (at least col. 9, lines 28-41).

43. As per Claim 68.

further comprising the step of receiving response information from the playback device and wherein the step of selecting the advertisement content segments further comprises the step of selecting the advertisement content segments based, at least in part, on the response information (weight given to subscriber interest level) (at least col. 24 line 52 - col. 25 line 40).

44. Claim 74, Logan discloses a closed loop system for delivering response information obtained from a playback device, wherein Logan discloses:

a mobile-content server comprising:

an interconnection to an information content source (at least col. 4, lines 40-52; Fig. 6);

a user interface (at least col. 4, lines 40-47);

a database for storing, among other things, user information (at least col. 5, lines 32-45); and

a server application operating on the mobile-content server and enabling the mobile-content server to:

receive user information via the user interface and store the user information into the database (at least col. 5, lines 32-45);

obtain content information from the information content source (at least col. 7, lines 16-25);

create a playback list based, at least in part, on the content information (sequence file) (at least col. 7, lines 35-40);

deliver the playback list to the playback device (downloaded) (at least col. 7, lines 35-40);

receive response information (usage log) from the playback device, the response information being associated with at least one element in the playback list (at least col. 27, lines 25-43); and

provide the response information to the information source (billing process for advertisements used) (at least col. 27, lines 25-43).

45. As per Claim 75.

wherein the user information includes scheduling information and the server application retrieves information from the information content source and creates the playback list based, at least in part, on the scheduling information (adding advertisements...produce schedule table) (at least col. 17, lines 23-41).

46. As per Claim 76.

wherein the playback device comprises:

an information source interface (modem) (at least col. 4, lines 17-37);

an audio output (at least col. 3, lines 45-54);

a memory storage unit for storing an embedded program and the playback list (at least col. 3, lines 24-29); and

a processing unit coupled to the memory storage unit, the audio output and the information source interface (at least col. 3, lines 24-29), the processing unit, in response to instructions of the embedded program and the playback list, being operative to:

receive information content from the information source over the information source interface (audio, text, image data downloaded) (at least col. 3, lines 24-41); and

store the information content in the memory storage for being played back at a later time through the audio output (at least col. 3, lines 24-41).

47. As per Claim 77.

wherein the playback device further comprises:

a response information input (menu jumping) (at least col. 11, lines 16-20);

a mobile-content server interface (modem) (at least col. 4, lines 17-37); and

the processing unit being coupled to the response input and the mobile-content server interface (at least col. 10, lines 42-53), the processing unit, in response to instructions of the embedded program and the playback list, being further operative to:

receive response information via the response information input during the playback of the information content (menu jumping at playback session) (at least col. 11, lines 16-20);

associating the response information with the currently active portion of the information content (entry of password for immediate authorization) (at least col. 10, lines 43-64); and

provide the response information to the mobile-content server via the mobile-content server interface (client/server password..) (at least col. 10, lines 43-64).

48. As per Claim 78.

wherein the mobile-content server interface is a wireless interface (radio) (at least col. 6, lines 44-52).

49. As per Claim 80.

wherein the mobile-content server interface is a cellular network interface (at least col. 6, lines 62-66).

50. As per Claim 82.

wherein the mobile-content server interface is a wired interface (at least col. 6, lines 36-44).

51. As per Claim 85.

wherein the playback device comprises:

an information source interface (modem) (at least col. 4, lines 17-37);

an audio output (at least col. 3, lines 45-54);

a memory storage unit for storing an embedded program and the playback list (at least col. 3, lines 24-29); and

a processing unit coupled to the memory storage unit, the audio output and the information source interface (at least col. 3, lines 24-29), the processing unit, in response to instructions of the embedded program and the playback list, being operative to:

receive information content from the information source over the information source interface (audio, text, image data downloaded) (at least col. 3, lines 24-41); and

deliver the information content to the audio output (at least col. 3, lines 32-36).

52. As per Claim 86.

wherein the playback device comprises:

an information source interface (modem) (at least col. 4, lines 17-37);

an audio output (at least col. 3, lines 45-54);

a memory storage unit for storing an embedded program and the playback list (at least col. 3, lines 24-29); and

a processing unit coupled to the memory storage unit, the audio output and the information source interface (at least col. 3, lines 24-29), the processing unit, in response to instructions of the embedded program and the playback list, being operative to:

access the information content identified by the information source identifier in the playback list at the time represented by the time stamp (download compilation at time of day...) (at least col. 5, lines 46-62);

receive information content from the information source over the information source interface (audio, text, image data downloaded) (at least col. 3, lines 24-41); and

store the information content in the memory device (at least col. 3, lines 24-41).

53. As per Claim 87.

wherein the playback device further comprises:

a user interface including a playback key and response information input (keyed commands) (at least col. 12, lines 51-58);

an audio output (at least col. 3, lines 45-54);

a mobile-content server interface (modem) (at least col. 4, lines 17-37); and

the processing unit being coupled to the playback key, the response input and the mobile-content server interface (at least col. 3, lines 24-29; col. 4, lines 17-37), the processing unit, in response to instructions of the embedded program and the playback list , being further operative to:

in response to detecting the actuation of the playback key, retrieve the stored information content from the memory device ("GO" command going to different segment) (at least Fig. 3; col. 3, lines 24-50; col. 13, lines 23-37); and

provide the information content to the audio output (at least col. 3, lines 32-36);

in response to detecting an input on the response information input, associate the response information with the portion of the information content being provided to

the audio output and store the response information in the memory device (entry of password for immediate authorization) (at least Fig. 3; col. 10, lines 43-64); and

provide the response information to the mobile-content server via the mobile-content server interface (request to server to download) (at least col. 13 line 64 - col. 14 line 12).

54. As per Claim 88.

wherein the information source is a broadcast radio network (at least col. 37 line 65 - col. 38 line 10).

Claim Rejections - 35 USC § 103

55. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

56. Claims 1-3, 5-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al (hereinafter "Logan", 5,732,216) in view of Kikinis (hereinafter "Kikinis", 6,055,566).

57. As per Claim 1, Logan discloses a closed loop system for delivering information obtained from an information content source to a playback device, wherein Logan discloses:

a mobile-content server comprising:

a website interconnected to the information content source, operating on the mobile-content server and available for access by a user (HTML forms for account initialization) (at least col. 9, lines 5-41);

a database for storing, among other things, user information (at least col. 5, lines 32-45); and

a server application operating on the mobile-content server and enabling the mobile-content server to:

retrieve the user information from the database (subscriber preferences / demographics) (at least col. 5, lines 33-45);

obtain content segments from the information content source (data source) (at least col. 7, lines 16-25; col. 35, lines 64-67);

create a content package including at least one content segment (selections file along with segments) (at least col. 11, lines 21-25);

deliver the content package to a client platform (downloading files) (at least col. 7, lines 20-30); and

receive response information from the client platform, the response information being associated with at least one content segment (program segments desired by subscriber upload) (at least col. 6, lines 9-26); and

the client platform comprising:

a web browser for interacting with the website operating on the mobile-content server (at least col. 9, lines 6-10); and

a client application operating on the client platform and enabling the client platform to:

download the content package from the mobile-content server to the playback device (downloading files) (at least col. 7, lines 20-30);

receive response information from the playback device (program segments desired by subscriber upload) (at least col. 6, lines 9-26); and

deliver the response information to the mobile-content server (uploading program selections) (at least col. 4, lines 26-37).

Logan does not disclose the structural relationship of a playback device being connected to a client platform, which is then connected to the server. However, the use and advantages for using such a structure is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Kikinis. Kikinis discloses a playback device that can be disconnected from a PC client, the client acting as a middleman between the playback device and the server (at least col. 2 line 66 - col. 3 line 17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of having a portable device for use of playing back as this would offer mobility to a user when a user cannot be stationary, as Logan suggests mobile use (at least col. 6, lines 52-61).

58. As per Claim 2.

Logan does not explicitly disclose the server application operating on the mobile-content server, further enables the mobile-content server to convert information obtained in a textual data format from the information content source into an audio

format. However, Logan does disclose the client platform as doing the conversion (at least col. 5, lines 16-31), which requires less data to transmit the text from the server to the client. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the server doing the conversion as this would allow a playback device to do less computation and processing and in most cases a faster conversion.

59. As per Claim 3.

wherein the mobile-content server further comprises an advertising database for storing advertisement segments (at least Fig. 4; col. 24, lines 37-50; col. 4 line 66 - col. 5 line 5).

60. As per Claim 5.

wherein the server application selects the advertisement segments from the advertising database based, at least in part, on the user information (matching step) (at least Fig. 4; col. 17, lines 23-41).

61. As per Claim 6.

wherein the server application assigns a unique identifier to each content segment and maintains a database of unique identifiers and associated content segments (ProgramID) (at least Fig. 5; col. 7, lines 30-34).

62. As per Claim 7.

wherein user information comprises name, company, email address, shipping address, delivery address, and credit card information of the user (at least col. 9, lines 28-41; col. 21, lines 6-30).

63. As per Claim 8.

wherein user information includes preference information comprising specific content and content categories (categories of interest) (at least col. 9, lines 28-41).

64. As per Claim 9.

wherein the user information includes scheduling information and the server application retrieves information from an information content source and creates the content package based on the scheduling information (adding advertisements...produce schedule table) (at least col. 17, lines 23-41).

65. As per Claim 10.

wherein the user information includes scheduling information and the server application delivers the content package to the client platform based on the scheduling information (adding advertisements...produce schedule table, transferred to subscriber) (at least col. 17, lines 23-41).

66. As per Claim 11.

Logan does not disclose the client platform delivers the content package based on a user's request generated at the client platform. However, the use and advantages for using such a request is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Kikinis (at least col. 3, lines 1-8; col. 4, lines 23-32). Kikinis discloses the playback device connecting to the client to download the information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Kikinis' playback device collecting the information when connecting to the client into Logan's system because

this would allow the device to collect the information that they had subscribed to so they could use the newly downloaded information from the server.

67. As per Claim 12.

wherein at least one of the content segments includes textual data (at least col. 4 line 59 - col. 5 line 5).

68. As per Claim 13.

wherein at least one of the content segments includes audio data (at least col. 4 line 59 - col. 5 line 5)..

69. As per Claim 14.

wherein at least one of the content segments includes video data (at least col. 4 line 59 - col. 5 line 5).

70. As per Claim 15.

wherein the mobile-content server and the client platform are included within a single computer system (Logan's system of (101) having client and server platforms in one) (at least col. 5, lines 32-45; col. 6, lines 27-61; Fig. 1).

71. As per Claim 16, Logan discloses an information gathering, delivery and playback system for providing custom information, including directed advertising, to a playback device, the information being obtained from an information source, wherein Logan discloses:

a mobile-content server communicatively coupled to the information source (at least col. 4, lines 40-52; Fig. 6);

the mobile-content server being operative to:

receive a request for custom information from the client platform (program segments desired by subscriber upload) (at least col. 6, lines 9-26);

gather information from the information source in accordance with the received request for custom information (selections being processed) (at least col. 6, lines 9-26; Fig. 1);

deliver the custom information to the client platform (processing for download compilation) (at least col. 6, lines 9-26);

Logan does not disclose the structural relationship of a playback device being connected to a client platform, which is then connected to the server. However, the use and advantages for using such a structure is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Kikinis. Kikinis discloses a playback device that can be disconnected from a PC client, the client acting as a middleman between the playback device and the server (at least col. 2 line 66 - col. 3 line 17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of having a portable device for use of playing back as this would offer mobility to a user when a user cannot be stationary, as Logan suggests mobile use (at least Logan col. 6, lines 52-61).

72. As per Claim 17.

wherein the client platform is further operative to receive response information from the playback device and provide the response information to the mobile-content server, the response information being included as part of the request for custom information (subscriber's desired segments) (at least col. 6, lines 9-26).

73. As per Claim 18.

wherein the custom information includes electronic mail messages (at least col. 29, lines 35-46).

74. As per Claim 19.

wherein the custom information includes news stories (at least col. 29, lines 35-46).

75. As per Claim 20.

wherein the custom information includes musical performances (at least col. 29, lines 35-46).

76. As per Claim 21.

wherein the custom information includes recorded music (at least col. 29, lines 35-46).

77. As per Claim 22.

wherein the custom information includes sporting event broadcasts (at least col. 38, lines 11-19).

78. As per Claim 23.

wherein the custom information includes radio broadcasts (at least col. 37 line 65 - col. 38 line 2).

79. As per Claim 24.

wherein the custom information includes weather information (at least col. 38, lines 11-19).

80. As per Claim 25.

wherein the custom information includes financial information (at least col. 38, lines 11-19).

81. As per Claim 26.

wherein the custom information source is a website accessible through the Internet (at least col. 38 line 66 - col. 39 line 5).

82. As per Claim 27.

wherein the custom information source is a recorded media playback source (at least col. 39, lines 28-46).

83. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Kikinis and further in view of Cook et al (hereinafter "Cook", 6,338,044).

Logan and Kikinis do not explicitly disclose the server application creates the content package by aggregating information content segments and advertisement content segments juxtaposed between each information content segment. However, the use and advantages for using such a packaging method is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Cook (at least Fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the use of Cook's juxtaposing into Logan's system as this would allow the advertisements to follow the television format of inserting commercials throughout a program, which is a most effective way of advertising.

84. Claim 35-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Havens (hereinafter "Havens", 5,752,242).

85. As per Claims 35, 38 and 39, Logan does not explicitly disclose parsing the user information to obtain a search term, and identifying an Internet accessible address of an information source containing the directed information (in the format of one or more content segments) related to the search term; and initiating the download of the information related to the search term. However, the use and advantages for using such a collection method is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Havens. Havens discloses using filters to search web sites for specific parameters (at least Havens col. 3, lines 25-37; Fig. 2b). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Haven's searching method into Logan because this would further enhance Logan's collecting of a good library to fit a particular need of a user (at least Logan col. 28, lines 1-9).

86. As per Claims 36 and 40, Logan does not explicitly disclose parsing the user information to obtain a search term; searching the Internet (address) based on the search term to identify an information source containing information, in a raw data format , related to the search term; and initiating the download of the information related to the search term. However, the use and advantages for using such a collection method is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Havens. Havens discloses using filters to search raw data (text) for web sites specific parameters (at least Havens Fig. 6; col. 3, lines 25-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Haven's searching method into Logan because this would further enhance Logan's collecting of a good library to fit a particular need of a user (at least Logan col. 28, lines 1-9).

87. As per Claims 37 and 41.

wherein the step of formatting the information into a content package comprises the step of converting the information from the raw data format into one or more content segments (converting from text to speech/audio) (at least col. 5, lines 16-31).

88. As per Claim 42, Logan does not explicitly disclose parsing the user information to obtain a search term, and identifying an Internet accessible address of an information source containing the desired information in the format of a content package; and initiating the download of the information related to the search term. However, the use and advantages for using such a collection method is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Havens. Havens discloses using filters to perform a nested search request of web sites for specific parameters (at least Havens col. 3, lines 25-37; Fig. 2b; col. 4 line 65 - col. 5 line 16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Haven's searching method into Logan because this would further enhance Logan's collecting of a good library to fit a particular need of a user (at least Logan col. 28, lines 1-9).

89. Claims 59-61 and 71-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of De Rafael et al (hereinafter "DeRafael", 6,529,878).

Logan does not disclose crediting the user with points as a function of the information that the user supplies in the user's profile information, redeeming the user's points for cash or discounts with advertisers. However, the use and advantages for using such a redemption method is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of DeRafael. DeRafael discloses receiving credits (points) and redeeming for cash or goods from the advertiser. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of DeRafael's rewarding a consumer into Logan's system as this would provide more incentive for a user to not skip past the advertisements and promote a higher throughput of consumer's following an advertisement and the advertiser having a higher chance of a user buying their product.

90. Claims 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Cook et al (hereinafter "Cook", 6,338,044).

91. As per Claim 48.

Logan does not explicitly disclose the server application creates the content package by aggregating information content segments and advertisement content segments juxtaposed between each information content segment. However, the use and advantages for using such a packaging method is well known to one skilled in the

art at the time the invention was made as evidenced by the teachings of Cook (at least Fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the use of Cook's juxtaposing into Logan's system as this would allow the advertisements to follow the television format of inserting commercials throughout a program, which is a most effective way of advertising.

92. As per Claim 49.

wherein the server application selects the advertisement content segments for placement based at least in part on the user information (matching step) (at least Fig. 4; col. 17, lines 23-41).

93. Claims 46, 69-70, 79, 81, 83-84, and 89-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan.

94. As per Claim 46.

Logan does not explicitly disclose the server application is further functional to convert textual data to audio data. However, Logan does disclose the client platform as doing the conversion (at least col. 5, lines 16-31), which requires less data to transmit the text from the server to the client. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the server doing the conversion as this would allow a playback device to do less computation and processing and in most cases a faster conversion.

95. As per Claim 69 and 70.

Logan discloses receiving advertisement content segments from advertisers when the advertisers initiate an upload of the advertisement content segments (advertiser provides advertising program segments) (at least col. 17, lines 1-11);

charging a fee to the advertisers based on the type of responses that the advertisement can support (at least col. 17, lines 43-54).

Logan does not explicitly disclose permitting advertisers to access a website. Official Notice is taken that the advertisers can visit a website. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the use of viewing subscriber history on a website because this would allow Logan's reports (at least col. 6, lines 26-35) to be more easily accessed over the internet used to download the advertiser's content.

96. As per Claim 79.

Logan does not explicitly teach the mobile-content server interface is a pager network interface. Official notice is taken that a pager network interface could be used to connect the playback device to the server. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the use of a pager network interface into Logan's system because this would further enhance the operability with existing and future technologies for optimum compatibility with a client's current services.

97. As per Claim 81.

Logan does not explicitly teach the mobile-content server interface is a Bluetooth interface. Official notice is taken that a Bluetooth interface could be used to connect the

playback device to the server. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the use of a Bluetooth interface into Logan's system because this would further enhance the wireless operability with existing and future technologies for optimum compatibility with a client's current services.

98. As per Claim 83.

Logan does not explicitly teach the mobile-content server interface is a USB interface. Official notice is taken that a USB interface could be used to connect the playback device to the server. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the use of a USB interface into Logan's system because this would further enhance the operability with existing and future technologies for optimum compatibility with a client's current services.

99. As per Claim 84.

Logan does not explicitly teach the mobile-content server interface is a an RS-232 interface. Official notice is taken that an RS-232 interface could be used to connect the playback device to the server. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the use of an RS-232 interface into Logan's system because this would further enhance the operability with existing and future technologies for optimum compatibility with a client's current services.

100. As per Claim 89.

Logan does not explicitly teach the information source is a broadcast television network. Official notice is taken that a source of information could be a television broadcast. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the use of a television broadcast into Logan's system as this would further enhance the programming content a user can use and the opportunity for more advertising sources to be able to advertise to a certain demographic.

101. As per Claim 90.

Logan does not explicitly teach the information source is a wireless radio network. Official notice is taken that a source of information could be a wireless radio network. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the use of a wireless radio network into Logan's system as this would further enhance the programming content a user can use and the opportunity for more advertising sources to be able to advertise to a certain demographic.

Conclusion

102. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hidary (cell phone advertising), Owensby (location-based targeted advertising), Lederman (phone advertising), Thomas (demographic customization with advertising), Tjaden (personalized audio delivery / text-speech), Wynblatt et al (targeted advertising

to mobile terminal), Story et al (playback device listening to different segment types), Goldhaber et el (ad response benefits), Mott et al (playback device authentication), Park (PDA-server communications), Ohkubu et al (information associating for searches), Hoyle (computer targeted advertising), and Katz et al (mobile playback device with libraries of data, no advertising) are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

103. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G Todd whose telephone number is (703)305-5343. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

gt
April 21, 2003

SALEH NAJJAR
PRIMARY EXAMINER